

Michigan Supreme Court
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M E M O R A N D U M

DATE: January 3, 2003

TO: Circuit, District, and Municipal Court Judges
cc: Court Administrators and Clerks

FROM: Nial Raaen, Director
Trial Court Services

SUBJ: Implementation of SCAO Administrative Memorandum 2002-13
Jury Demand and Clearance Fee Increases

PLEASE ALSO DISTRIBUTE TO ALL FAMILY DIVISION JUDGES AND APPROPRIATE STAFF.

The following implementation questions and answers reflect inquiries to the State Court Administrative Office staff.

1. Clearance Fee

2002 Public Act 741 was signed into law December 30, 2002, effective January 1, 2003, increasing the driver license clearance fee paid to the court from \$25 to \$45.

Q. Is the clearance fee increase retroactive?

A. Yes. The increase applies to all unpaid suspensions and all new suspensions as of January 1, 2003.

Q. How is the new fee distributed?

A. The \$45 clearance fee is distributed as follows:
\$15 to the Secretary of State (unchanged),
\$15 to the local funding unit (an increase of \$5), and
\$15 to the Juror Compensation Reimbursement Fund (new).

Q. How soon will programming be completed to assess the increased amount to the clearance fee?

A. There may be some delay before software enhancements are available to assess, collect and distribute the new amount. Courts must implement manual procedures to collect the additional \$20 and disburse the total \$45 pursuant to the new formula. Implementation questions concerning changes to court software should be directed to the court's software vendor.

Q. Does the increase to the clearance fee apply to:
a) six or more unpaid parking or two or more unpaid handicapped parking violations?
b) holds for unpaid state civil infractions?
c) notice of noncompliance for snowmobiles and boating alcohol offenses?

A. Yes. The increase in the clearance fee applies to all suspensions and holds placed on the driving record pursuant to MCL 257.321a(5)(b), (8)(b), and (9)(b) of 2002 PA 741.

Q. Does the clearance fee apply to circuit court cases and juvenile family division cases?

A. Yes, circuit and district courts, including the family divisions of circuit courts, are required to notify the Department of State to suspend an individual's driving privileges if the individual fails to appear in court or fails to comply with a judgment on most driving offenses and selected other offenses pursuant to MCL 257.321a.

Notification to suspend, and the subsequent payment of the clearance fee, will result in revenue to the Juror Compensation Reimbursement Fund created for the purpose of offsetting costs borne by the court funding units for the higher per diem rates paid to jurors effective October 1, 2003.

Q. What should courts do with payments received by mail with payment at the old rate?

A. Courts are expected to implement the new act to the best of their ability. The court may consider the postmark date of mail payments and other relevant issues. Waiver of payment of the increase should be on a case by case basis. Lack of computer software modifications is not a sufficient reason for not collecting the increase.

2. Civil Jury Demand Fee

The civil jury demand fees for circuit, district, and municipal courts were increased in 2002 PA 605, effective January 1, 2003.

Q. How much of an increase is there in the civil jury demand fee?

A. The fee in circuit court increases from \$60 to \$85. The fee in district and municipal court increases from \$40 to \$50.

3. Transmittal Advice Form

Q. What is the new account number for deposit of the increase to the clearance fee and jury demand fee?

A. The new account number is 228.57. The line will be divided into two sub-sets, one reflecting the portion collected from the clearance fee, and the other reflecting the portion collected from the jury demand fee.

Q. How does the court report the additional \$5 of the clearance fee due to the local funding unit?

A. The additional \$5 in the clearance fee is part of the amount deposited to the funding unit's general fund. This is an increase from \$10 to \$15.

Q. When will revised transmittal forms be available?

A. Department of Treasury remittance advice form 295 (formerly L-2261) for district and municipal courts, and form 57 for circuit and probate courts, are expected to be available by mid-January.

4. Disbursement of Funds

2002 Public Act 742 effective October 1, 2003, creates the Juror Compensation Reimbursement Fund and provides for distribution of funds semiannually.

Q. Which funding units receive disbursements from the Juror Compensation Reimbursement Fund?

A. MCL 600.151e(4) provides that each court funding unit is entitled to receive

reimbursement from the fund for the difference between the old and new minimum juror compensation rates paid as reported for the preceding six months, excluding any juror compensation in excess of the statutory minimum. Reimbursement may not include mileage, meals, parking, or other juror-related expenses. SCAO will provide forms and instructions to courts as soon as possible to assist with implementation of the new juror payments and the reporting requirements.

Q. Which funding units are eligible for reimbursement?

- A. “Funding unit” is defined in MCL 600.151e(7) to include:
- (a) for circuit or probate court, the county,
 - (b) for district court, the district funding unit as defined in MCL 600.8104,
 - (c) for a municipal court, the city in which the municipal court is located.